IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No :18110 of 1999

Dated: 17.04.2007

Between:
1.Smt.Ganne Ranganayakamma
and another

..... PETITIONERS

AND

1.The District Collector, Khammam
and another …RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18110 of 1999

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not taking any steps to acquire the land which was taken over illegally by the 2nd respondent from the possession and enjoyment of the petitioners in connection with laying of bypass road out of the land owned and possessed by the petitioners to an extent of 539 and 2374 square yards in Sy.No.287 of Khanapur Haveli village, as illegal and arbitrary and consequently direct the respondents to issue Section 4 (1) Notification under the Land Acquisition Act so as to enable the authorities to pay compensation at the market value in accordance with the provisions contained in the Land Acquisition Act with interest and other benefits for which the petitioners are entitled to.

The case of the petitioners is that they have acquired an extent of Ac.1.00 and Ac.1.1 ½ guntas respectively in Sy.No.287 of Khanapur Haveli village and they are in possession and enjoyment of the same. While so, the respondent authorities, without following the procedure prescribed in the Land Acquisition Act, have taken over possession of the lands to an extent of 569 square yards and 2375 square yards from out of the land owned by the petitioners 1 and 2 respectively for the purpose of laying of bypass road. It is stated that notification under Section 4 (1) has to be issued and the land owner is entitled to claim compensation at the market value as existed at the time of issuing of said Notification.

A detailed counter-affidavit has been filed by the 2nd respondent stating that the names of the petitioners are not found from the revenue records against Sy,No.287 in which Ac.4.01 guntas were acquired. The petitioners have not filed any claim so far. However, the case of the petitioners will be decided after giving an opportunity to them before finalizing the award. It is further stated that claim of the petitioners will be examined on par with other

claimants and compensation will be paid in accordance with the provisions of the Land Acquisition Act.

Heard both sides.

It appears there is a dispute between the parties. According to the petitioners, the land mentioned above has been acquired, whereas the respondents contend that the petitioners were not the owners of the land acquired. In this view of the matter, this writ petition can be disposed of by issuing the following direction.

The respondents are directed to make an enquiry with regard to the claim of the petitioners in respect of the land alleged to have been acquired and pass an appropriate order after giving opportunity of hearing to the petitioners. In case the land of the petitioners was acquired, the respondent authorities are directed to pay compensation to the petitioners under the provisions of the Land Acquisition Act, within a period of Six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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(GOPALA KRISHNA TAMADA, J)

17-04-2007
Gsn.